



**UP TO 10.5
CPD/CLE
HOURS
AVAILABLE***

15th Transnational Crime Conference

14–16 June 2012

Renaissance Hotel, São Paulo, Brazil

A conference presented by the IBA Criminal Law Section and supported by the IBA Latin American Regional Forum

Sessions include:

- Anti-corruption enforcement initiatives: compliance and counter-measures
- Cartel enforcement
- Organised crime/money laundering
- Data protection/privacy issues in internal investigations and enforcement
- Fugitives and the law – Interpol Red Notices/extradition
- Cross-border issues in tax investigations

Who should attend?

Criminal defence and regulatory practitioners, prosecutors, in-house counsel, compliance officers, law enforcement officials and auditors.

Programme

Conference Co-Chairs

Dan Conaway *Conaway & Strickler, Atlanta; Co-Chair, IBA Criminal Law Committee*

Jan Lawrence Handzlik *Venable, Los Angeles; Vice-Chair, IBA Business Crime Committee*

Host Committee Organiser

Ricardo Tosto *Leite Tosto e Barros Advogados*

Host Committee

Altamiro Boscoli *Demarest e Almeida Advogados*

Domingos Fernando Refinetti *Machado Meyer Sendacz e Opice Advogados*

Gilberto Giusti *Pinheiro Neto Advogados*

Maira Huggard-Caine *TozziniFreire Advogados*

Roberto Quiroga Mosquera *Mattos Filho Veiga Filho Marrey Jr e Quiroga Advogados*

Eduardo Tess Filho *Tess Advogados*

Ronaldo Veirano *Veirano Advogados*

Alberto Zacharias Toron *Toron Torihara e Szafir Advogados*

Mauricio Zanoide de Moraes *Zanoide de Moraes Peresi e Braun Advogados Associados*

Thursday 14 June

2000 – 2130 **Opening reception**

Renaissance Hotel, São Paulo

An informal gathering to welcome delegates and speakers to the conference. Join the officers of the Criminal Law Section for cocktails and hors d'oeuvres at the Renaissance Hotel.

Friday 15 June

0800 – 1800 **Registration**

Renaissance Hotel, São Paulo

0900 – 0910 **Welcome remarks**

Dan Conaway

Jan Lawrence Handzlik

0910 – 0930 **Keynote speech**

Jose Eduardo Cardozo *Minister of Justice, Brasilia*

0930 – 1100 **Caipirinhas and corruption**

This session will focus on the aggressive, cross-border enforcement of anti-bribery and anti-money laundering laws and its increasing impact on business, trade and compliance in South America.

Experts from Brazil, the UK and the US will discuss investigative priorities and practices, counter-measures and the role of compliance in multinational companies.

Session Co-Chairs

Jan Lawrence Handzlik

Jorge Nemr *Leite Tosto e Barros Advogados, São Paulo; Secretary, IBA Business Crime Committee*

Panellists

Matteson Ellis *Matteson Ellis Law, Austin*

Paul Gully-Hart *Schellenberg Wittmer, Geneva*

Janet I Levine *Crowell & Moring, Los Angeles*

Judge Nino Oliveira Toldo *10th Federal Criminal Court, São Paulo*

Elizabeth Robertson *K&L Gates, London*

1100 – 1130 **Coffee break**

1130 – 1300 **Cartel enforcement**

Various jurisdictions are taking a more aggressive approach to the 'criminalisation of business' including antitrust or cartel arrangements. The session will cover cooperation between enforcement agencies through mutual assistance arrangements, the allocation of jurisdiction, leniency programmes for whistleblowers, the interplay between criminal, regulatory and civil disposal of investigations, and penalties/sentences. We will consider the different approaches to enforcement of European, North and South American governments and what the future holds for the investigation and prosecution of cartel offences in the criminal courts of various jurisdictions.

Session Co-Chairs

Dan Conaway

William Devaney *Venable, New York*

Panellists

John Cassels *Field Fisher Waterhouse, London*

Mariana Tavares de Araujo *Levy & Salomão Advogados, Rio de Janeiro*

Niels van der Laan *De Roos en Pen, Amsterdam*

Nathalie Von Taaffe *Credit Suisse, New York; Young Lawyers Liaison Officer, IBA Criminal Law Committee*

Refreshment Break Sponsor

Toron, Torihara e Szafir

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1300 – 1430 **Lunch**

Project presentation: Permanent Group of Proactive Practice of the Brazilian National Attorney General's Office (Permanent Group)

On 15 December 2011 the International Bar Association and the prestigious Instituto Innovare announced the Permanent Group of Proactive Practice of the Brazilian National Attorney General's Office (Permanent Group) as the winner of the Innovare Annual Awards 2011, Special Prize category. The Award is made in recognition of a project with outstanding value to the legal community in Brazil, with this year's Special Prize category dedicated to innovation in the fight against organised crime.

The Permanent Group established in 2009, is composed of more than 110 lawyers and is responsible for the judicial recovery of public assets. Since its inception it has managed to recover millions of dollars of stolen public funds based on the findings of national monitoring agencies such as the National General Internal Affairs Office, National Audit Tribunal, and the Federal Police, among others. Its work has been recognised by different organisations such as the Brazilian Congress, the United Nations and the US Department of State.

The judges of the Special Prize category Award included justices from the Brazilian Supreme Federal Court, the Superior Court of Justice, academics, lawyers and other significant authorities. The IBA formed an internal Expert Panel to provide feedback to the judging committee regarding the different candidates for the award.

Introduction

Pedro de Freitas *Veirano Advogados, Rio de Janeiro; Committees Liaison Officer, IBA Mining Law Committee; Director, Instituto Innovare*

Speaker

Professor Luz Nagle *Stetson University College of Law, St Petersburg; Council Member, IBA Legal Practice Division*

1430 – 1600 **Organised crime/money laundering**

This session will discuss the following topics:

- The criminalisation of politics
- Head-of-state immunity
- Political funding gone sour
- Joint venture with a foreign partner
- Asset freezing and recovery in criminal case (ie, stopping cross-border dissipation of assets)
- Sovereign immunity considerations
- Barriers to recovery
- Procedural obstacles
- Choice of judicial system

Session Co-Chairs

Enide Perez *SjöCrona Van Stigt Advocaten, The Hague*

Meg Strickler *Conaway & Strickler, Atlanta; Vice-Chair, IBA Criminal Law Committee*

Panellists

Dennis Boyle *Boyle Autry & Murphy, Camp Hill*

Fabio Cagnola *Studio Legale Bana, Milan; Vice-Chair, IBA Business Crime Committee*

Roberto Durrieu *Estudio Durrieu, Buenos Aires; South America Regional Representative, IBA Criminal Law Committee*

1600 – 1630 **Coffee break**

1630 – 1800 **Data protection/privacy issues in internal investigations and enforcement**

In the current climate, almost every significant investigation will involve some cross-border issues. This panel will focus on the issues faced by lawyer investigators when they must gather evidence, whether documentary or from individuals, in the face of the increasing array of privacy and data protection laws. The panel will include experienced practitioners who can offer practical tips for getting through the mine field created by these laws.

Session Co-Chairs

Stephane Bonifassi *Lebray & Associates, Paris*

Mark Rochon *Miller & Chevalier Chartered, Washington DC; Senior Vice-Chair, IBA Business Crime Committee*

Panellists

Isabel Franco *KLA - Koury Lopes Advogados, São Paulo*

Paul A Leder *Richards Kibbe & Orbe, Washington DC*

Jeremy Summers *Russell Jones & Walkers, London*

Steve Zipperstein *Former Vice-President, Secretary and General Counsel, Verizon Wireless, Basking Ridge*

2000 – 2130 **Welcome dinner provided by the Host Committee**

Figueira Rubaiyat

The award-winning Figueira Rubaiyat is named after a magnificent fig tree that occupies its outdoor gazebo dining area. Renowned for having the most exuberant ambience, combined with exquisite dishes and excellent service, the Figueira has a warm and friendly ambience that attracts locals and visitors to São Paulo.

(Transport will be provided)

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

Saturday 16 June

0800 – 1300 **Registration**

Renaissance Hotel, São Paulo

0930 – 1100 **Fugitives and the law – Interpol Red Notices/extradition**

Fugitives can either be suspects in criminal cases or individuals who have already been convicted and sentenced. Usually, fugitives are dealt with by the police or a special agency (for example the US Marshal in the United States). Fugitives may retain lawyers concerning conditions for surrender, if they are possible to negotiate or impose, or obstacles to arrest, such as the fugitive's medical condition or the existence of immunity from arrest or prosecution. Most often, however, lawyers deal with fugitives in the context of extradition. The relations between states in extradition matters are not always simple, and they can raise a number of issues, such as the states' legal obligations (pursuant to various treaties), political asylum or interference, human rights, double criminality or jeopardy. The topic of extradition is of particular interest in Brazil and Latin America, as they are historically known for a certain degree of leniency in harbouring fugitives of other countries (see for example the recent *Battisti* case). Another area of interest is the labelling of individuals as 'fugitives' by organisations such as Interpol, determining whether an individual has been given such a label, and contesting the designation of 'fugitive' in circumstances where it may not be justified.

Session Co-Chairs

Marc Henzelin *Lalive, Geneva; Co-Chair, IBA Business Crime Committee*

Bruce Zagaris *Berliner Corcoran & Rowe, Washington DC*

Panellists

Roberto Durrieu

Antenor Madruga Barbosa *Müssnich & Aragão Advogados, Brasilia*

Jan SjöCrona *SjöCrona Van Stigt Advocaten, The Hague*

Eric J Snyder *Kobre & Kim, New York*

1100 – 1130 **Coffee break**

1130 – 1300 **Cross-border issues in tax investigations**

Using the format of a hypothetical case study, this panel explores the issues that arise from a multijurisdictional fraud investigation. An international company based in Brazil with subsidiaries in the US and the UK is under investigation for bribery and corruption issues to be considered from the perspective of each panel member. The structure of the investigation, gathering evidence, privileges, and negotiating deals.

Session Co-Chairs

Ben Rose *Hickman and Rose, London; Europe Regional Representative, IBA Criminal Law Committee*

Daniel Tunik *Lenz & Staehelin, Geneva*

Panellists

George Clarke *Miller & Chevalier Chartered, Washington DC*

Pierpaolo Cruz Bottini *Bottini & Tamasauskas Advogados, Brasilia*

Michael Fay *Ogier, Road Town*

1300 – 1430 **Lunch and closing remarks**

Continuing Professional Development /Continuing Legal Education

For delegates from countries where CPD/CLE is mandatory, the International Bar Association will be pleased to provide a Conference Certificate of Attendance which, subject to the exact CPD/CLE requirements, may be used to obtain the equivalent accreditation in your jurisdiction.

This conference has been accredited for CPD/CLE by the Solicitors Regulation Authority of England and Wales. Delegates should ask staff at the registration desk for information as to how to obtain the hours.